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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,355	05/09/2005	Claude Dal Farra	0591-1008	4931
466	7590	06/26/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER MOHAMED, ABDEL A	
			ART UNIT 1654	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,355	Applicant(s) DAL FARRA ET AL.	
	Examiner Abdel A. Mohamed	Art Unit 1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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**ACKNOWLEDGEMENT OF PRILIMINARY AMENDMENT, STATUS OF THE
APPLICATION AND CLAIMS**

The preliminary amendment filed 05/09/05 is acknowledged, entered and considered. In view of Applicant's request claims 1-23 have been amended. Claims 1-23 are now pending in the application.

ELECTION/RESTRICTION

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7 and 13-20, drawn to a method and composition thereof for preparing a cosmetic and/or dermatological and/or pharmaceutical composition comprising adding an active ingredient of Formula I, and first method for treating superficial body growths activating cell energy metabolism by administering said pharmaceutical composition thereof.

Group II, claim(s) 8, drawn to a method for promoting tissue regeneration by administering the cosmetic and/or dermatological and/or pharmaceutical composition thereof.

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Group III, claim(s) 9, drawn to a method for stimulating protein synthesis of the extra cellular matrix and/or to stimulate keratin synthesis by administering the cosmetic and/or dermatological and/or pharmaceutical composition thereof.

Group IV, claim(s) 10 and 21, drawn to a method for treating and/or inhibiting the cutaneous manifestations of aging by administering the cosmetic and/or dermatological and/or pharmaceutical composition thereof.

Group V, claim(s) 11 and 22, drawn to a method for protecting the skin and/or the hair against external aggressions by administering the cosmetic and/or dermatological and/or pharmaceutical composition thereof.

Group VI, claim(s) 12 and 23, drawn to a method for the treatment of cellulite and/or orange-peel skin; and/or in order to reduce, eliminate or prevent subcutaneous fat overloads by administering the cosmetic and/or dermatological and/or pharmaceutical composition thereof.

The inventions listed as Groups I and II-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The methods of Groups I-VI are directed to different methods of using the same composition/formulation of a cosmetic and/or dermatological and/or pharmaceutical

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composition comprising as an active ingredient a peptide of Formula I. A method of treating superficial body growths activating cell energy metabolism of Group I is not the same as a method of promoting tissue regeneration of Group II nor to the method of stimulating protein synthesis or keratin synthesis of Group II, or a method of treating and/or inhibiting the cutaneous manifestations of aging of Group IV, or a method to protect the skin and/or the against external aggressions of Group V or a method for the treatment of cellulite and/or orange-peel skin of Group VI, and *vice versa*. Thus, the various methods using the same peptidic formulations do not correspond to the same technical features and are not connected in design, operation or effect because they differ in method steps, parameters and reagents used, and as such, the methods as grouped are independent and distinct, each from the other because they represent different technical features and different endeavors. Therefore, Groups I-VI do not share the same or special technical features, the inventions do not relate to a single inventive concept.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

CONCLUSION AND FUTURE CORRESPONDANCE


Claims 1-23 are subject to restriction and/or election requirement.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tsang Cecilia can be reached on (571) 272 0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 Mohamed/AAM
June 14, 2007


Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center 1600